

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TAMMY S. THOMAS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04CV618LN

UNITED STATES POSTAL SERVICES

DEFENDANT

ORDER

This matter came before the court on the Defendant's Motion to Strike Plaintiff's Designation of Experts, or, in the Alternative, Motion for Extension of Time to Designate Defendant's Experts. The basis of the Motion is the Plaintiff's failure to serve reports with her Designation of Experts in this matter, in contravention of both Fed. R. Civ. P. 26(a)(2) and Unif. Local R. 26.1(A)(2). The basis of the Motion is the Plaintiff's failure to attach the expert's report to his designation. A review of the docket reveals that the Case Management Plan Order previously entered in this matter required that the Plaintiff's expert witness designation was due on or before November 15, 2005. That designation should have included "a written report prepared and signed by the witness." Plaintiff's counsel has offered to provide those reports by January 31, 2006.

The Plaintiff's expert designation shall not be stricken at this time; however, the Plaintiff shall file a complete expert designation, in accordance with Fed. R. Civ. P. 26(a)(2) and Unif. Local R. 26.1(A)(2), on or before January 31, 2005. Failure to serve complete designations will result in sanctions, which may include the striking of the Plaintiff's expert designations. *See, e.g., Campbell v. McMillin*, 83 F. Supp. 2d 761, 764 (S.D. Miss. 2000) (Judge Barbour affirming the striking of an expert witness for an improper designation and granting summary judgment based on the lack of medical evidence). Moreover, because of the delay in submitting those reports, the Defendant's

deadline to designate experts will have to be extended, along with the discovery and motion deadlines. Those extensions will require that this matter be moved to the next trial calendar, with all deadlines adjusted accordingly.

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Strike Plaintiff's Designation of Experts, or, in the Alternative, Motion for Extension of Time to Designate Defendant's Experts, is hereby **granted** in part and **denied** in part.

IT IS FURTHER ORDERED that the Case Management Plan Order previously entered in this matter is hereby amended, as follows:

1. The non-jury trial of this matter will be held on the trial calendar that begins on August 7, 2006, and ends on August 18, 2006.
2. The pretrial conference will be held on July 17, 2006.
3. Discovery shall be completed by April 7, 2006.
4. The Plaintiff shall designate experts by January 31, 2006.
5. The Defendant shall designate experts by March 1, 2006.
6. The deadline for submitting motions, other than motions *in limine*, is April 21, 2006.

IT IS SO ORDERED, this the 20th day of December, 2005.

S/Alfred G. Nicols, Jr.
UNITED STATES MAGISTRATE JUDGE